

Message Text

LIMITED OFFICIAL USE

PAGE 01 ABIDJA 09631 091020Z

61

ACTION EB-07

INFO OCT-01 AF-08 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 CIEP-01 FAA-00 L-03 SS-15

NSC-05 /049 W

----- 007850

R 081932Z OCT 76

FM AMEMBASSY ABIDJAN

TO SECSTATE WASHDC 569

INFO AMEMBASSY DAKAR

LIMITED OFFICIAL USE ABIDJAN 9631

FROM US CIVAIR DEL

E.O. 11652: N/A

TAGS: EAIR, IV

SUBJECT: CIVAIR: NEGOTIATIONS WITH GOVERNMENT OF
IVORY COAST

1. SUMMARY: A FULL WEEK OF NEGOTIATIONS WITH GOIC
WERE CHARACTERIZED BY CONDITIONS COMPLETELY
OPPOSITE TO THOSE EXPERIENCED IN SENEGAL. THE
IVORIANS WERE WELL ORGANIZED, FRIENDLY, COOPERATIVE
AND ANXIOUS, IN THE UNIMPORTANT INSTANCES, TO COMPROMISE.
THE RESULT WAS AN AGREED BILATERAL TEXT, AND ALL OTHER
ISSUES AGREED TO EXCEPT THE ROUTE QUESTION AND MULTI-
NATIONAL ASPECTS. END SUMMARY.

2. UNDER PLEASANT, WELL ORGANIZED AND FRIENDLY
CONDITIONS USDEL WAS ABLE TO REACH AGREEMENT ON ALL
OUTSTANDING ISSUES RELATIVE TO THE TEXT OF THE AGREEMENT
INCLUDING ARTICLES 9 AND 13. ARTICLE 9 REMAINED
INTACT EXCEPT FOR THE DELETION OF PARAGRAPH E AND
THE INCLUSION IN THE MEMCON A SENTENCE ON MUTUAL
AGREEMENT TO RECIPROCITY AND EQUALITY FROM ARTICLE
14, PARAGRAPH 2 (FIRST HALF) OF THE IVORIAN DRAFT TEXT,
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 ABIDJA 09631 091020Z

AND A STATEMENT THAT IF ONE COUNTRY DESIGNATED

ANOTHER AIRLINE THE INTENT WOULD HAVE TO BE SUBMITTED FOR CONSIDERATION AND PRIOR AGREEMENT TO THE OTHER COUNTRY. ARTICLE 13 REMAINED INTACT EXCEPT FOR A NEW TEXT FOR PARAGRAPH C WHICH NOW READS "THAT EACH CP SHALL USE ITS BEST EFFORTS CONSISTENT WITH ITS NATIONAL LAW TO PUT INTO EFFECT ANY DECISION OR AWARD OF THE ARBITRAL TRIBUNAL. EACH CP RECOGNIZES THAT IF AN AGREEMENT OR AN ISSUE CANNOT BE REACHED, THE PROVISIONS OF ARTICLE 15 SHALL BE APPLIED". THE MEMCON ALSO CONTAINS A CLAUSE THAT ONE CP MAY REQUEST AND SUBSEQUENTLY TAKE UNILATERAL ACTION IF IT IS NOT REALIZING FULL BENEFITS FROM THE AGREEMENT.

3. THE REAL PROBLEMS AROSE, AS EXPECTED, WITH THE ROUTE DESCRIPTIONS. ALTHOUGH NOT 100 PERCENT DIFFERENT FROM SENEGAL'S IT WAS CLOSE TO IT. THERE WAS ONLY

TOKEN INTEREST EXPRESSED IN THE ANTILLES AND MIAMI AND VERY STRONG INTEREST IN TWO CANADIAN POINTS AND CONAKRY. BUT THE REAL DIVERGENCE OCCURED IN THE GRANTING OF 5TH FREEDOM RIGHTS. NUMERICAL BALANCE WAS EXPECTED WITH VERY LITTLE LEEWAY, EITHER WITHIN OR WITHOUT THE AIR AFRIQUE COUNTRIES, CONSTANT STRESS WAS MADE TO AN "ASSOCIATION" BETWEEN PAA AND AIR AFRIQUE. WHEN PRESSED, POOLING REARED ITS UGLY HEAD, BUT WAS QUICKLY MODIFIED TO "BLOCKED SPACE" AFTER AN APPROPRIATE LECTURE BY USDEL. BASICALLY ICDEL'S POSITION RE PAA'S 5TH FREEDOM TO VARIOUS COUNTRIES IS:

A. DAKAR ONLY A TECHNICAL STOP FOR RK FROM ABIDJAN SINCE ITS RIGHTS TO IT COME FROM SENEGAL AS DO PAA'S.

B. NO RIGHTS TO GABON.

C. BENIN - NO RIGHTS ON PAPER BUT "GENTLEMEN'S AGREEMENT" WOULD ALLOW IT.

D. ONE POINT ONLY IN NIGERIA AND ZAIRE - NOT BOTH. LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 ABIDJA 09631 091020Z

E. ONE POINT ONLY IN KENYA AND TANZANIA - NOT BOTH.

F. SOUTH AFRICA NOT TO BE MENTIONED, BUT AN AFRICAN COUNTRY BELOW TEN DEGREES SOUTH LATITUDE PERMITTED.

4. WHETHER OR NOT A STRATEGY WAS WORKED OUT IN ADVANCE OR NOT, IS UNKNOWN, BUT OBVIOUSLY THE "WHIPSAW" TECHNIQUE WAS HIGHLY EVIDENT. EACH COUNTRY

INSISTS AIR AFRIQUE IS ITS OWN INSTRUMENT AND REFUSES TO RECOGNIZE THE OTHER'S EXISTENCE. THEREFORE, WE ARE NOW FACED WITH A SITUATION WHEREIN SENEGAL SAYS IT WILL GRANT ALL 5TH FREEDOM RIGHTS ANYWHERE IN RETURN FOR MIAMI, AND NO 5TH FREEDOM RIGHTS WITHIN AIR AFRIQUE COUNTRIES IF IT DOES NOT; WHILE IVORY COAST SAYS IT ONLY WANTS TWO POINTS IN CANADA AND ONE NEW POINT IN AFRICA IN EXCHANGE WILL RENEW PAA'S SECOND FREQUENCY AND GRANT VERY LIMITED 5TH FREEDOM RIGHTS.

5. IN ORDER TO PROTECT PAA'S OPERATION AFTER DEC. 31, 1976 OF SECOND FREQUENCY INTRODUCED SPRING 1975 USDEL WAS SUCCESSFUL IN WRITING INTO MEMCON, ONLY A LIMITED AGREEMENT TO STATUS QUO. ICDEL REFUSED TO GRANT EXTENSION AS SUCH AND INSISTED NORMAL PROCEDURE WOULD HAVE TO BE FOLLOWED: I.E., PAA WRITING TO CIVAIR MINISTER REQUESTING RENEWAL OF ITS AUTHORITY TO OPERATE ITS SECOND FREQUENCY UNTIL NEXT MEETING, EXPECTED TO BE HELD IN WASHINGTON ABOUT MARCH 1977.

6. OBVIOUSLY CONUNDRUM FACING US IS HIGHLY FRAUGHT WITH MYRIAD PROBLEMS AND RAMIFICATIONS. USDEL CHAIRMAN WOULD SUGGEST THAT DURING INTERVAL BETWEEN NOW AND PROPOSED DECEMBER MEETING WITH GOSDEL THAT THE CAB AUTHORIZE PAA TO DISCUSS WITH AIR AFRIQUE THE VARIOUS POSSIBILITIES INVOLVED IN "ASSOCIATION", IN FURTHER BLOCKED SPACE ARRANGEMENTS AND ANY OTHER AREAS CONSIDERED TO BE IMPORTANT. PERHAPS IN THIS WAY MORE LIGHT CAN BE SHED ON WHAT RK REALLY WANTS OR HOW RIGID THE GOSDEL AND ICDEL POSITIONS REALLY ARE.
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 ABIDJA 09631 091020Z

COOKE

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, NEGOTIATIONS, AVIATION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 08 OCT 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976ABIDJA09631
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760382-0037
From: ABIDJAN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761070/aaaaciku.tel
Line Count: 155
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 25 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25 JUN 2004 by CunninFX>; APPROVED <12 OCT 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: NEGOTIATIONS WITH GOVERNMENT OF IVORY COAST
TAGS: EAIR, IV, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006